

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: '318 PATENT INFRINGEMENT LITIGATION))))	C.A. No. 05-356 (KAJ) (consolidated)
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**DEFENDANT MYLAN'S RULE 12(c) MOTION FOR JUDGMENT
ON THE PLEADINGS DISMISSING PLAINTIFFS'
WILLFUL INFRINGEMENT CLAIM OR, IN THE ALTERNATIVE,
TO BIFURCATE AND STAY DISCOVERY ON SUCH CLAIM**

Defendants Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc. (collectively, "Mylan") move this Court pursuant to Federal Rule of Civil Procedure 12(c) to dismiss Plaintiffs' willful infringement claim or, in the alternative, to bifurcate and stay discovery on such claim. Mylan relies on the accompanying Memorandum in support of this motion.

Dated: December 13, 2005

MYLAN PHARMACEUTICALS INC. and
MYLAN LABORATORIES INC.

By: /s/ Mary B. Matterer

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ORDER

The Court having considered Defendants Mylan Pharmaceuticals Inc.'s and Mylan Laboratories Inc.'s Rule 12(c) Motion for Judgment on the Pleadings Dismissing Plaintiffs' Willful Infringement Claim or, in the Alternative, to Bifurcate and Stay Discovery on Such Claim and the parties' arguments in support and opposition thereof,

IT IS HEREBY ORDERED this ____ day of _____, 200__ that the motion is GRANTED.

Kent A. Jordan, J.

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of December, 2005, I electronically filed the foregoing document, **DEFENDANT MYLAN'S RULE 12(c) MOTION FOR JUDGMENT ON THE PLEADINGS DISMISSING JANSSEN'S WILLFUL INFRINGEMENT CLAIM OR, IN THE ALTERNATIVE, TO BIFURCATE AND STAY DISCOVERY ON SUCH CLAIM**, with the Clerk of the Court using CM/ECF, which will send notification to the following:

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Additionally, I hereby certify that on the 13th day of December, 2005, the foregoing document was served via U.S. Mail and e-mail on the following non-registered participants:

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